

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: August 27, 2009 Signature: Meaghan L. Richmond
Electronic Signature for Meaghan L. Richmond, Ph.D.

Docket No.: 117728-22201
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:
Mark L. Nelson *et al.*

Patent No.: 7553828 B2

Confirmation No.: 1902

Issued: June 30, 2009

Art Unit: 1617

For: 9-AMINOMETHYL SUBSTITUTED
MINOCYCLINE COMPOUNDS

Examiner: S.N. Qazi

MS Patent Extension
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR
RECONSIDERATION UNDER 37 CFR §1.705(d)**

Dear Sir:

1. This is a request for reconsideration of the patent term adjustment of 358 days listed on the cover page of the above-identified patent. It is respectfully requested that Patentees be granted a patent term adjustment of 703 days.
2. This request for reconsideration is being filed within two months of the issue date of the patent (June 30, 2009) and includes the following documents, as required under 37 CFR §§1.705(b)(1) and (b)(2):

- a. The fee set forth in 37 CFR §1.18(e); and
- b. A “Statement under 37 CFR §1.702(b)(3),” which specifies the correct patent term adjustment and the bases under 37 CFR §1.702 for the adjustment; the relevant dates under 37 CFR §§1.703(a) through (e) for which adjustment is sought; the adjustment specified in 37 CFR §1.703(f) to which the patent is entitled; and whether the patent is subject to a terminal disclaimer and any expiration date specified in the terminal disclaimer.

3. Patentees note that this request for reconsideration does not raise any issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR §1.702(b).

Dated: August 27, 2009

Respectfully submitted,

By /Meaghan L. Richmond/
Meaghan L. Richmond, Ph.D.
Registration No.: 61,402
McCARTER & ENGLISH, LLP
265 Franklin Street
Boston, Massachusetts 02110
(617) 449-6500
(617) 607-9222 (Fax)
Agent For Patentees